

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRENDA KLEINKNECHT,

Plaintiff,

Case No. \_\_\_\_\_

v.

Honorable \_\_\_\_\_  
Magistrate Judge \_\_\_\_\_

TRILOGY HEALTHCARE OF,  
LAPEER, LLC, d/b/a STONEGATE  
HEALTH CAMPUS

Lapeer Co. Case No.: 19-052618-CZ  
Honorable Nick O. Holowka

Defendant.

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**NOTICE OF REMOVAL**

Defendant, Trilogy Healthcare of Lapeer, LLC (“Trilogy”), through its attorneys, Miller, Canfield Paddock & Stone, PLC, gives notice of removal of this action from the Lapeer County Circuit Court, where it is currently pending, to the United States District Court Eastern District of Michigan, Southern Division, pursuant to 28 U.S.C. §§1332, 1441 and 1446, and states the following in support of such removal:

1. On March 18, 2019, Plaintiff, Brenda Kleinknecht (“Kleinknecht”), filed a lawsuit in the Lapeer County Circuit Court against Trilogy entitled *Kleinknecht v. Trilogy*, Case No. 19-052618-CZ (Honorable Nick O. Holowka, presiding) (the “State Court Action”). Pursuant to 28 U.S.C. §1446(a), copies of

all process, pleadings and orders served upon Trilogy in the State Court Action are included with this Notice of Removal as **Exhibit A**.

2. Kleinknecht served Trilogy with a copy of the Summons and Complaint through Trilogy's registered agent via certified mail on March 18, 2018.

3. Removal of this action is timely as Trilogy filed this Notice of Removal within thirty (30) days of the date on which Kleinknecht served Trilogy with a copy of the Summons and Complaint. *See* 28 U.S.C. §1446.

4. This is an action between citizens of different states and complete diversity of citizenship exists between the parties as follows:

- a. Kleinknecht an individual and a citizen of the State of Michigan.
- b. Trilogy is a Delaware limited liability company. The sole member of Trilogy is Trilogy OpCo, LLC, a Delaware limited liability company. Trilogy OpCo, LLC's sole member is Trilogy Healthcare Holdings, Inc., a Delaware corporation. Therefore, for the purposes of diversity jurisdiction, Trilogy is a citizen of Delaware because the citizenship of a limited liability company is determined by the citizenship of each member. *See Delay v. Rosenthal Collins Grp.* 585 F.3d 1003, 1005(6th Cir. 2009).
- c. In this employment discrimination action, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. The face of the Complaint pleads a request for the recovery of compensatory and liquidated damages. A defendant is permitted to demonstrate, through a fair reading of the complaint, that the unspecified damages sought will exceed \$75,000.00, if proven. *See Hayes v. Equitable Energy Resources Co.*, 266 F.3d 560, 573 (6th Cir. 2001).

5. Therefore, the United States District Court Eastern District of Michigan has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a).

6. Lapeer County is situated in the Southern Division of the United States District Court Eastern District of Michigan.

7. Thus, pursuant to 28 U.S.C. §1441(a), this Court is the appropriate forum to entertain this Notice of Removal.

8. Concurrent with the filing of this Notice of Removal, Trilogy is providing notice to Kleinknecht, through her counsel of record, and the Clerk of the Lapeer County Circuit Court, pursuant to 28 U.S.C. §1446. *See Exhibit B.*

WHEREFORE, Trilogy files its Notice of Removal, removing the State Court Action from the Lapeer County Circuit Court to the United States District Court Eastern District of Michigan Southern Division.

Respectfully submitted,

/s/Brian M. Schwartz (P69018)

Brian M. Schwartz (P69018)

Gregory M. Krause (P67142)

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Dated: April 12, 2019

P69018

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2019, I served the foregoing paper on the following individuals via electronic mail and U. S. Mail.

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Dated: April 12, 2019

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